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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,523

03/01/2004

Anil K. Sahai

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22885

7590

08/23/2005

MCKEE, VOORHEES & SEASE, P.L.C.

801 GRAND AVENUE

SUITE 3200

DES MOINES, IA 50309-2721

EXAMINER

AU, SCOTT D

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,523

Applicant(s)

SAHAI, ANIL K.

Examiner

Scott Au

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The application of Sahai for a "Method and system for vehicle control using walkie-talkie type cellular phone" filed March 1, 2004 has been examined.

Claims 1-12 are pending.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The **abstract** should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The present abstract uses the phrase "**the present invention**" which should be avoided. It does not comply with the guidelines.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The term "**type**" in claim 17 is a relative term which renders the claim indefinite. The term "similar" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. See MPEP 2173.05(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oesterling et al. (US# 20050137877) in view of Strub et al. (US# 6,825,875).

Referring to claim 1, Oesterling et al. disclose a method for remotely controlling vehicle functions using a cell phone, comprising:

- selecting a vehicle function to be controlled on a vehicle (i.e. step 230);
- sending a message from the cell phone to a receiver associated with the vehicle (i.e. step 210, message send and received from cell phone 160),
- receiving the message at the receiver (142) (i.e. network) provides the communication for the associated with the vehicle (page 1, paragraphs 0006-0008);

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activating the vehicle function on the vehicle (page 2, paragraph 0021, describing vehicle components 114 and devices 115 that can be controlled). However, Oesterling et al. did not explicitly disclose activating a walkie-talkie mode on the cell phone.

In same field of endeavor communication device, Strub et al. disclose a walkie-talkie mode on the cell phone (col. 40 lines 21-31).

One ordinary skill in the art understands that a walkie-talkie mode on the cell phone of Strub et al. is desirable in the communication device of Oesterling et al. because Oesterling et al. suggest a cellular phone, PDA, or a computer to control the vehicle functions (page 3, paragraph 0026) and Strub et al. suggest a cellular phone with a walkie-talkie function (col. 40 lines 21-31). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a cellular phone with a walkie-talkie function of Strub et al. in the communication system of Oesterling et al. with the motivation for doing so would allow a user with more option operating a cellular phone.

Referring to claim 7, Oesterling et al. disclose a system for remotely controlling vehicle functions using a cell phone (160) (i.e. cellular phone), comprising:
a vehicle (110) (i.e. vehicle);
a receiver unit (120) (i.e. telematics unit) disposed within the vehicle (110) (i.e. page 2 paragraph 0021), the receiver unit comprising a receiver adapted to receiver communications from the at least one cell phone, an intelligent control operatively

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connected to the receiver for receiving vehicle function control messages, the intelligent control (122) (i.e. controller) operatively connected to one or more vehicle controls (114,115,116) (i.e. vehicle devices) such that the intelligent control is adapted to control the vehicle functions (i.e. page 1 paragraph 0006-0008 and page 3 paragraph 029).

However, Oesterling et al. did not explicitly disclose at least one cell phone adapted to establish walkie-talkie type connections.

In same field of endeavor communication device, Strub et al. disclose a walkie-talkie mode on the cell phone (col. 40 lines 21-31).

See claim 1 for similar motivation.

Claims 2-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oesterling et al. (US# 20050137877) in view of Strub et al. (US# 6,825,875) as applied to claims 1 and 7 and further in view of Joao (US# 6,549,130).

Referring to claims 2-6 and 8-12, Oesterling et al. in view of Strub et al. disclose the method and system of claims 1 and 7. However, Oesterling et al. in view of Strub et al. did not explicitly disclose wherein the control is programmed to control a vehicle lock, ignition, trunk release and alarm functions.

In the same field of endeavor of vehicle security system, Joao teaches the portable transmitter is used to control a vehicle lock, ignition, trunk release and alarm functions (col. 80 lines 28-48; see Figure 1).

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One ordinary skill in the art understands that remotely controlling vehicle functions of Joao is desirable in the vehicle security system of Oesterling et al. in view of Strub et al. because Oesterling et al. suggest a telematics unit controls the vehicle components 114 and vehicle devices 115 (page 2 paragraph 0021) and Joao also suggests the vehicle functions are remotely control by a transmitter 2 (col. 18 lines 21-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include vehicle control functions of Joao in the communication system of Oesterling et al. in view of Strub et al. with the motivation for doing so would allow the secure and convenience operating the vehicle system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Macfarlane (US# 2003/0231550) discloses the personalized key system for a mobile vehicle.

Berard et al. (US# 5,515,043) disclose the cellular/GPS system for vehicle tracking.

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

**MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

A handwritten signature in black ink, appearing to read "Michael Horabik", written in a cursive style.